



RCRA COMPLIANCE AND ENFORCEMENT BRANCH  
ENFORCEMENT CASE RECOMMENDATION  
WORKSHEET<sup>1</sup>

EPA ID NUMBER: **PAD049029697**

FACILITY NAME: **Alumax-Alcoa Mill Products, Inc.**

CASE REVIEW OFFICER: **Stephen Forostiak** REVIEW START DATE: **09/03/2014**

FINDINGS OF INITIAL CASE REVIEW:

**NOV issued October 21, 2014 for;**

- **Universal Waste**
  - Waste batteries not marked with proper wording nor with date of accumulation
- **HW SAA**
  - Not at the point of generation

DISPOSITION RECOMMENDATION: JUD REF APO AO NOV 3013 7003 **CLOSE** OTHER:

JUSTIFICATION FOR RECOMMENDATION:

**On November 6, 2014 Facility provided letter responding to violations and their corrections.**

CONCURRENCE SECTION

CASE REVIEW OFFICER

DATE: **11/6/2014**

ASSOCIATE DIRECTOR  
LAND AND CHEMICALS DIVISION

DATE: **11/18/14**

<sup>1</sup>This is a pre-decisional document protected by the deliberative process and attorney work product privileges (and may also be privileged attorney-client communication). Conclusions or recommendations are intended solely as primary information for government personnel. This worksheet contains tentative conclusions and staff-level recommendations and does not create any rights, or procedural, or defenses, as they are not binding on the Agency or the Department of Justice.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Ms. Renee Bartholomew, Chief  
Hazardous Waste Management Division  
Pennsylvania Dept. of Environmental Protection  
Rachel Carson Building  
P.O. Box 8763  
Harrisburg, PA 17105-8763

OCT 2 2014

**RE: RCRA Notice of Violation**

Alcoa Mill Products, Inc.  
Lancaster, PA 17604  
PAD049029697

Dear Ms. Bartholomew:

The U.S. Environmental Protection Agency Region III is pursuing the issuance of a Notice of Violation (NOV) to Alcoa Mill Products, Inc. in Lancaster, PA pursuant to the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The NOV will address violations of RCRA Subtitle C.

I appreciate your cooperation in this matter and look forward to your continued efforts toward a successful enforcement program. Should you have any questions regarding this matter, please contact me at (215) 814-5430 or Stephen Forostiak at (215) 814-2136.

Sincerely,

A handwritten signature in black ink, which appears to read "Carol Amend", is positioned above the typed name.

Carol Amend, Associate Director  
Land and Chemicals Division  
Office of Land Enforcement

cc: S. Forostiak, 3LC70 ✓





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 21 2014

Mr. Steve Morinchin  
Alcoa Mill Products  
1480 Manheim Pike  
Lancaster, PA 17604

**Re: Notice of Violation  
Compliance Evaluation Inspection  
July 30, 2014  
EPA ID No. PAD049029697**

**Docket Number: R3-15-NOV-RCRA-02**

Dear Mr. Morinchin:

On July 30, 2014 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Alcoa Mill Products (the Facility). A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under the PAHWR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection the inspector observed waste batteries being stored along the wall of the Store Room; see page 7 and photo 16 of the inspection report. Two containers marked as universal waste batteries and marked with an accumulation date of 7/16/2014. Next to these containers were 6 batteries observed that were not marked as universal waste or marked with an accumulation date. Universal waste batteries must be labeled or marked with the following phrases: "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)" as required by 25 PAHWR §266b [40 CFR 273.14(a)]. The Universal Waste regulations require the facility demonstrate the length of time the universal waste has accumulated as required in 25 PAHWR §266b [40 CFR 273.15(c)].
2. During the inspection of the chemistry laboratory the inspector the facility representative stated that the satellite accumulation area for this lab is emptied into a 55 gallon container outside the double doors and next to the Hunter Coating Line; see photo 17 of the inspection report. This 55 gallon container is labeled as hazardous waste and is also considered by the Facility as a SAA for the Lab. There was no accumulation date marked on the container. Failure to have the accumulation of hazardous waste at or near the point of generation and under the control of the operator as required by 25 PA §262a [40 C.F.R. 262.34(c)(1)].

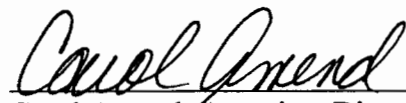
Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within fifteen (15) business days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with violation noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103

  
Carol Amend, Associate Director  
Land and Chemicals Division  
Office of Land Enforcement

Oct 21, 2014  
Date

Enclosure

cc: S. Forostiak (3LC70)  
R. Bartholomew (PADEP)



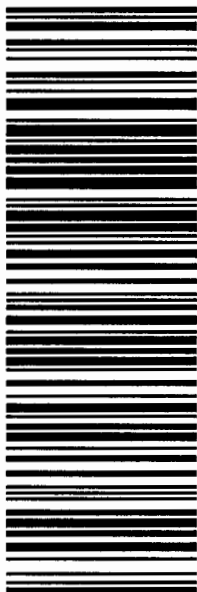

## UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible.** Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**  
**UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.**  
Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.  
Hand the package to any UPS driver in your area.  
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

### Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

FOLD HERE

STEPHEN FOROSTIAK 215-814-2136 US EPA 1650 ARCH ST PHILADELPHIA PA 19103	1.0 LBS LTR 1 OF 1
<b>SHIP TO:</b> MR. STEVE MORINCHIN ALCOA MILL PRODUCTS 1480 MANHEIM PIKE LANCASTER PA 17601-3152	
	<b>PA 175 9-37</b> 
<b>UPS NEXT DAY AIR 1</b> TRACKING #: 1Z A43 F71 A2 9323 9588	
	
BILLING: P/P ADULT SIGNATURE REQUIRED-MIN 21	
 CS 16.7.04 WNTB90 57.0A 10/2014	

**ROUTING AND TRANSMITTAL SLIP****Date** October 14, 2014**TO:** (Name, office symbol, room number,  
building, Agency/Post)**Initials****Date**1. ~~C. Amend~~

St

10/20

2.

3.

Steve

4.

**Action****File****Note and Return****Approval****For Clearance****Per Conversation****As Requested****For Correction****Prepare Reply****Circulate****For Your Information****See Me****Comment****Investigate**

X

**Signature****Coordination****Justify****SEE REMARKS****REMARKS****RCRA  
Subtitle C**

Alcoa Mill Products

**EPA RCRA I.D. NO: PAD049029697****NOV  
R3-15-NOV-RCRA-02****DO NOT use this form as a RECORD of approvals, concurrences, disposals,  
clearances, and similar actions****FROM:** (Name, org. Symbol, Agency/Post)Stephen Forostiak  
3LC70**Room No. -- Bldg  
Cubicle #113/10th Floor****Phone No.  
(215) 814-2136**

OCT 17 2014

Dionne,  
Please send this out, signature requested upon  
delivery. The letter is already dated (on the  
second/last page).

Thanks!

Carol

OCT 21 2014



November 6, 2014

## Alcoa Mill Products

1480 Manheim Pike  
PO Box 3167  
Lancaster, PA 17604-3167 USA  
Tel: 1 717 393 9641

Certified Mail

Mr. Stephen Forostiak (3LC70)  
U.S. Environmental Protection Agency – Region III  
1650 Arch Street  
Philadelphia, PA 19103

RE: Response to Notice of Violation, Compliance Evaluation Inspection, July 30, 2014,  
EPA ID No. PAD049029697. Dear Mr. Forostiak:

Two (2) issues were raised during the inspection. Below are the inspection's specific findings and Alumax Mill Products, Inc.'s ) responses documenting the measures taken to achieve compliance.

1. During the inspections the inspector observed waste batteries being stored along the wall of the Store Room; see page 7 and photo 16 of the inspection report. Two containers marked as universal waste batteries and marked with an accumulation date of 7/16/2014. Next to these containers were 6 batteries observed that were not marked as universal waste or marked with an accumulation date. Universal waste batteries must be labeled or marked with the following phrases: "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)" as required by 25PAHWR §266b [40 CFR 273.14(a)]. The Universal Waste regulations require the facility demonstrate the length of time the universal waste has accumulated as required in 25 PAHWR §266b [40 CFR 273.15(c)].

### Response:

This condition was immediately during the inspection, by Mr. Steven Morinchin of Alumax Mill Products. The batteries were placed directly into the properly labeled and dated accumulation containers. To prevent a re-occurrence, toolbox training was conducted instructing Plant Personnel what to do when the accumulation containers are full. Additional signage was placed over the buckets noting that waste batteries are not to be stored outside of the accumulation containers. This point is now part of documented inspections to insure that the collection area complies with accumulation point requirements.

2. During the inspection of the chemistry laboratory the inspector the facility representative stated that the satellite accumulation area for this lab is emptied into a 55 gallon container outside the double doors and next to the Hunter Coating Line; see photo 17 of the inspection report. This 55 gallon container is



labeled as hazardous waste and is also considered by the Facility as a SAA for the Lab. There was no accumulation date marked on the container. Failure to have the accumulation of hazardous waste at or near the point of generation and under control of the operator as required by 25 PA §262a [40 CFR 262.34(c)(1)].

Response:

Alcoa has been in compliance with 25 PA §262a [40 CFR 262.34(c)(1)] since October 31<sup>st</sup> by now classifying this hazardous waste accumulation point a "90 Day Hazardous Waste Accumulation Area. Signage declaring the drum and its spill containment as such has been completed, and accumulation start date has been noted on the drum. Weekly required inspections under 25 PACODE §262a [40 CFR 265.174] have now been initiated, and further training of the Laboratory personnel has been completed, informing the change in designation.

Alcoa respectfully disagrees with your interpretation of the Chemistry Laboratory hazardous waste accumulation point, and believe that the manner in which hazardous waste was accumulated and managed after generation meets the requirements necessary to classify the area as a SAA. 25 PA §262a [40 CFR 262.34(c)(1)] specifically states that Satellite areas must be at or near the point of generation and under control of the operator. The drum is located approximately 20 feet from the point of waste generation in the Lab, in the Laboratory Service Corridor. This corridor is within the Laboratory and Laboratory Technician's domain; this area is subject to housekeeping audits. This and all other items stored in the service corridor are under the direct control and responsibility of Chemistry Laboratory personnel.

If you have any questions or comments on the information presented, please contact me at (717) 207-1549.

Regards,

A handwritten signature in black ink, appearing to read "Brian G. Breisinger", written over the printed name.

Brian G. Breisinger

**VIA UPS**

Mr. Steve Morinchin  
Alcoa Mill Products  
1480 Manheim Pike  
Lancaster, PA 17604

**Re: Notice of Violation  
Compliance Evaluation Inspection  
July 30, 2014  
EPA ID No. PAD049029697**

**Docket Number: R3-15-NOV-RCRA-02**

Dear Mr. Morinchin:

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1. The inspector observed an open container in the southwest stair well of building 97 which had a used fluorescent bulb. The box was not labeled as universal waste or marked with an accumulation date. Two other containers observed were not labeled as universal waste and both were marked with an accumulation date. The Universal Waste regulations require lamps to be kept in closed containers, labeled and marked with an accumulation date as required in 25 PAHWR §266b [40 CFR 273]. Also one of the dates marked on a container was 3/15/13. Universal waste may be accumulated for no longer than one year from the date it is generated as required in 25 PAHWR §266b [40 CFR 273]. See photos #2 to #3 of the Inspection Report.
2. During the inspector's review of the facility Spill Prevention, Control, and Countermeasures - Contingency Plan he discovered that the home address was not provided for the emergency contact information. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator as required in 25 PAHWR §265a [40 CFR §265.52(d)].

**CONCURRENCES**

SYMBOL	LC70							
SURNAME	S. Forostiak							
DATE								

EPA Form 1320-1 (12-70)

OFFICIAL FILE COPY



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.  
Customer Service Hotline: 1-800-438-2474*

# Certificate of Achievement

HWMC

*This certificate has been awarded to:*

***Steven Scott Morinchin***

*at*

***Baltimore, MD area***

Session# 15695

*For successful completion of Lion Technology's  
Hazardous/Toxic Waste Management Workshop.*

*This course is based on the applicable regulations of the United States Environmental  
Protection Agency and guidelines, standards, and procedures for the safe and legal  
management of waste designated as hazardous. Successful completion includes attaining a  
passing grade on the final proficiency test.*

*It is designed for managers and supervisors of hazardous waste compliance activities, to satisfy the annual training  
mandate for large quantity generators and TSDFs [40 CFR 262.34(a)(4) and 265.16] and the update training  
requirement for small quantity generators [40 CFR 262.34(d)(5)(iii)].*

*Training was conducted by Lion Technology Inc, 21 Sunset Inn Rd, Lafayette NJ 07848 (973-383-0800).*

***This training completed on: June 17, 2014***

***Lion Technology Member PIN: 268819***

***1.4 CEUs, 14 NEHA CE Points Awarded***

*Won Bac*  
INSTRUCTOR



**ATTACHMENT 1**  
Inspection Photos

# **Alumax- Alcoa Mill Products**

1480 Manheim Pike  
Lancaster, PA 17604

July 30, 2014  
Inspection Photos

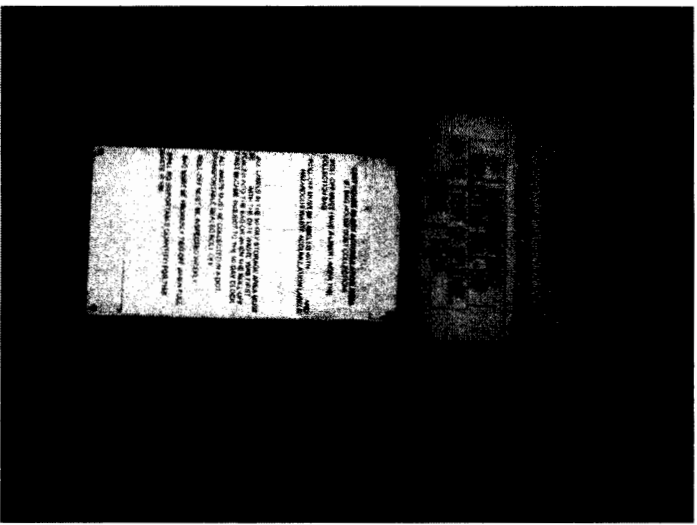


Photo (1)



Photo (2)

317

<b>HAZARDOUS WASTE</b>	
This label is required for all hazardous waste containers, regardless of the quantity of waste, and must be placed on the container before the waste is loaded.	
The following information must be provided:	
1. Name of the generator of the waste	2. EPA Identification Number of the generator
3. Name of the transporter or owner of the waste	4. EPA Identification Number of the transporter or owner
5. Name of the receiving facility	6. EPA Identification Number of the receiving facility
7. Date of the waste transfer	8. Signature of the generator, transporter, or owner
Additional information may be provided, but is not required.	

Photo (3)



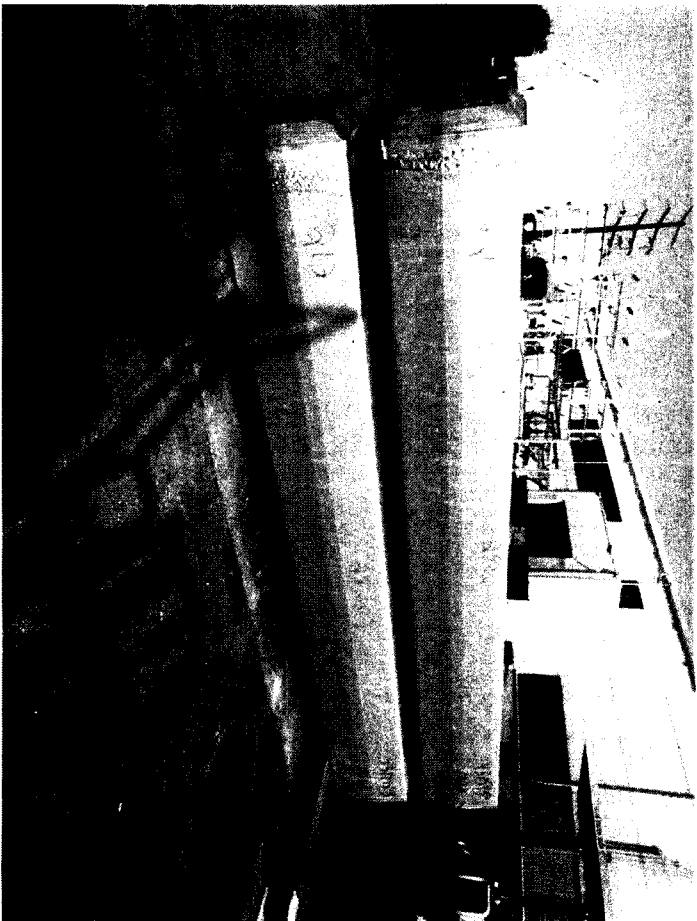


Photo (4)

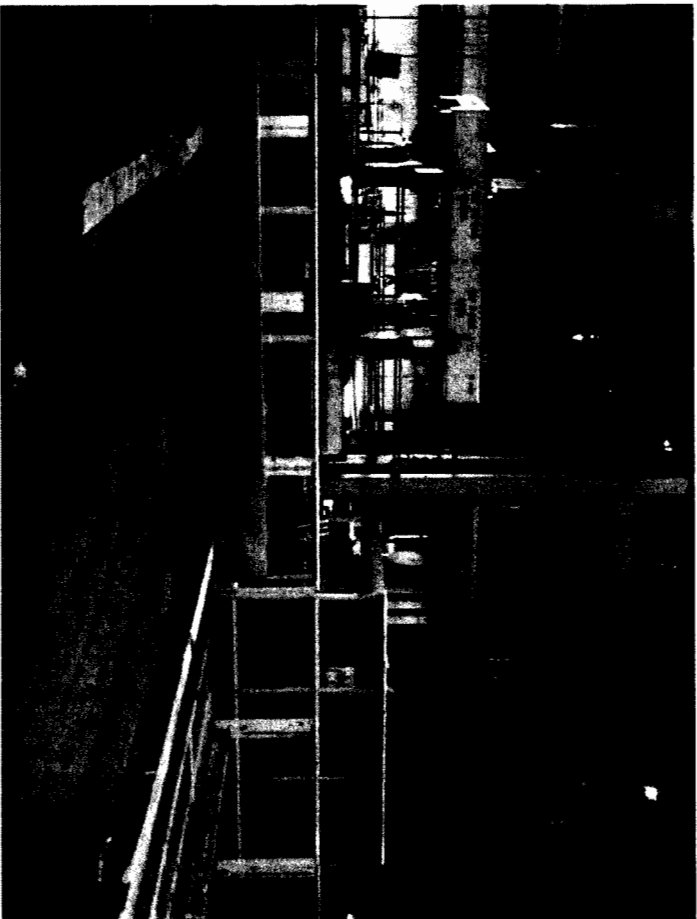


Photo (5)



Photo (6)



Photo (7)

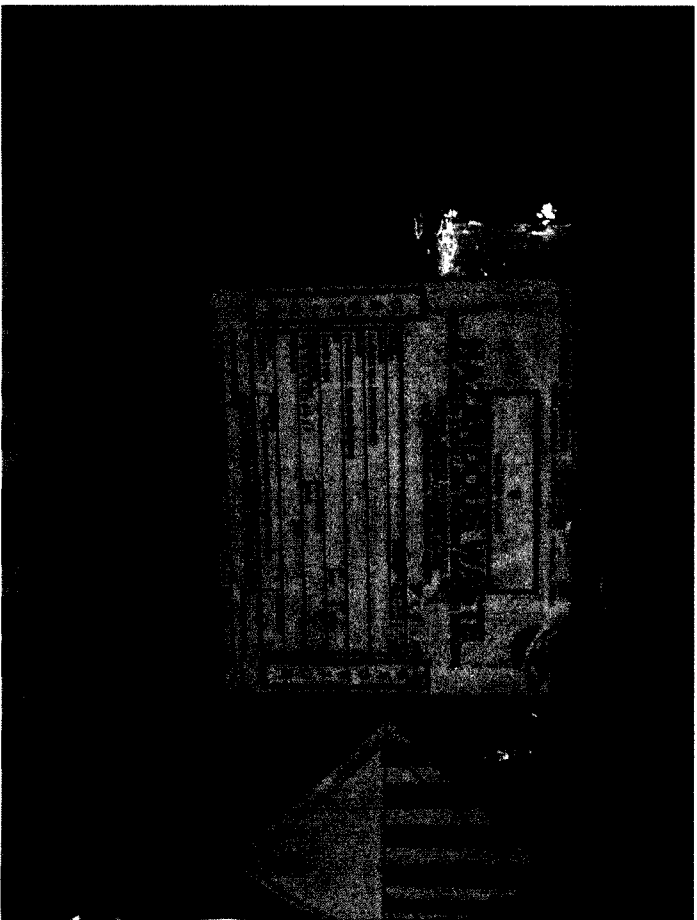


Photo (8)

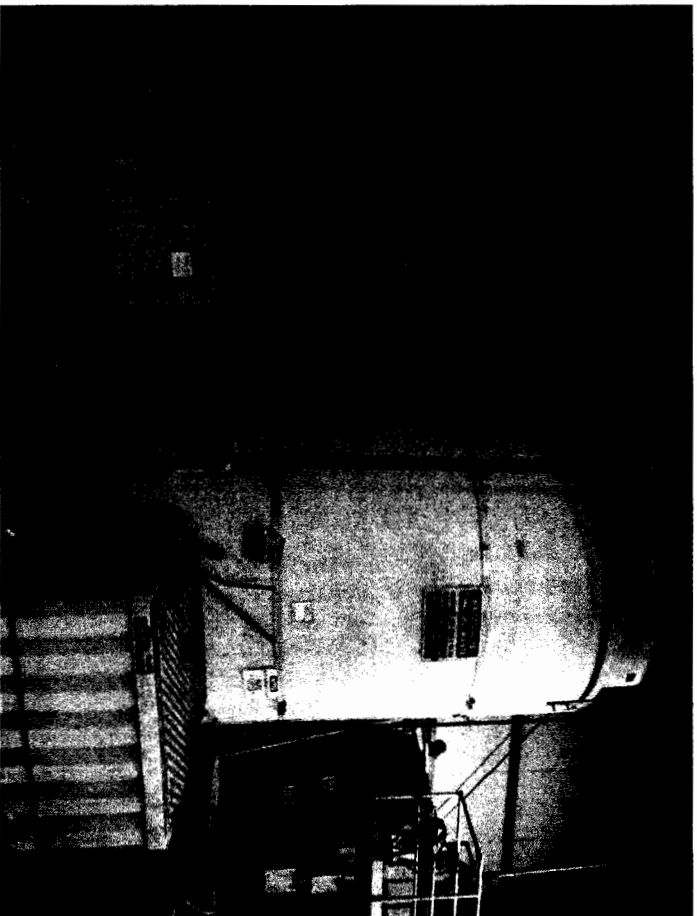


Photo (9)

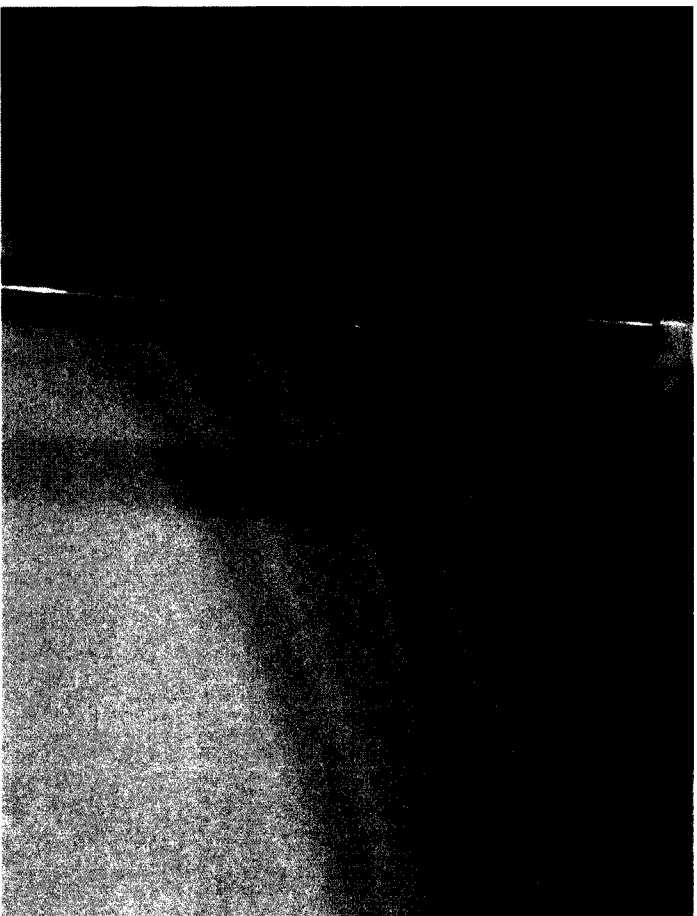


Photo (10)

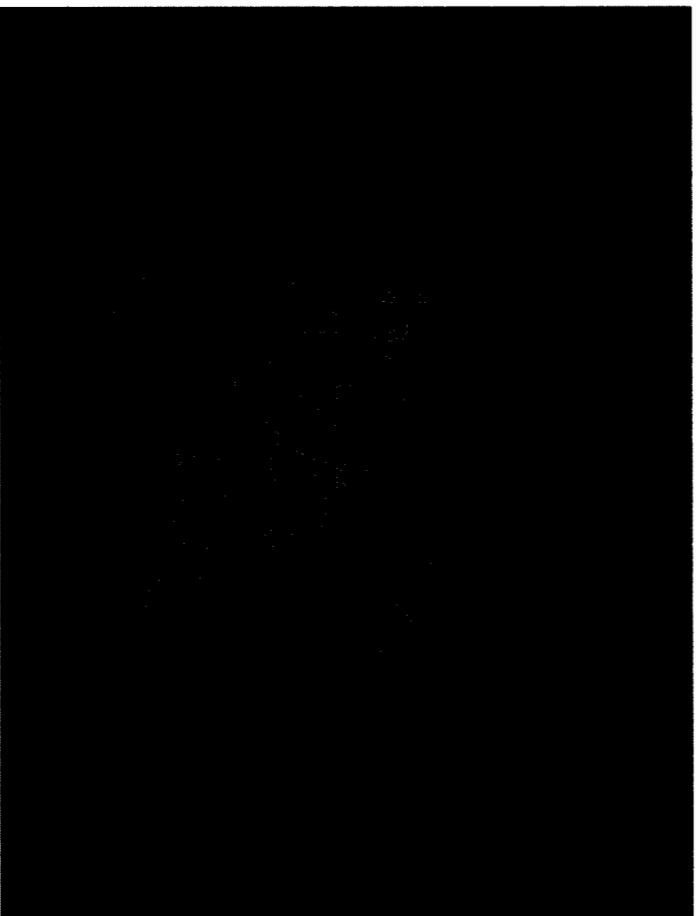


Photo (11)



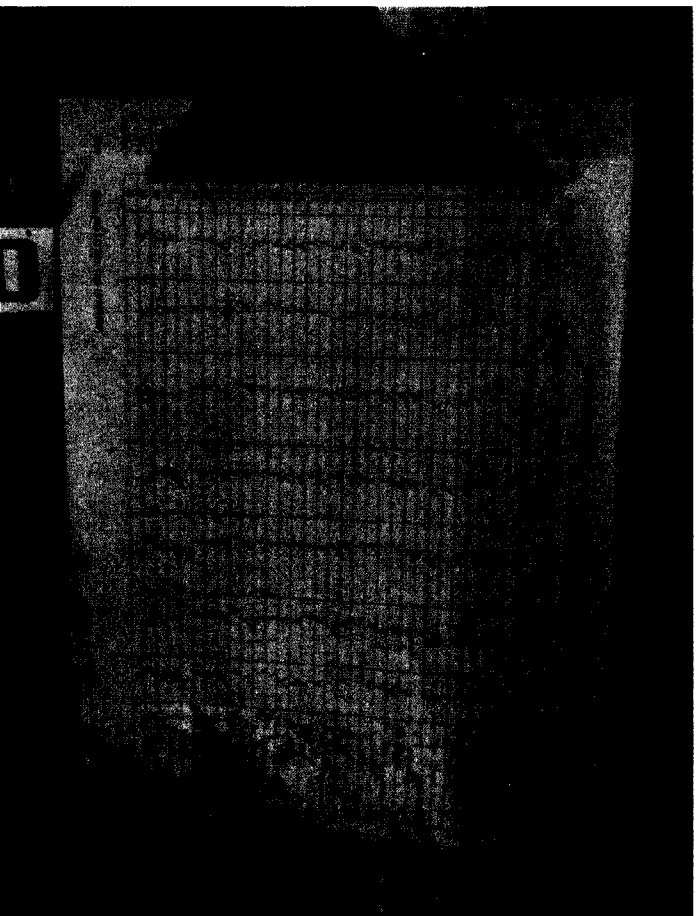


Photo (12)



Photo (13)



Photo (14)

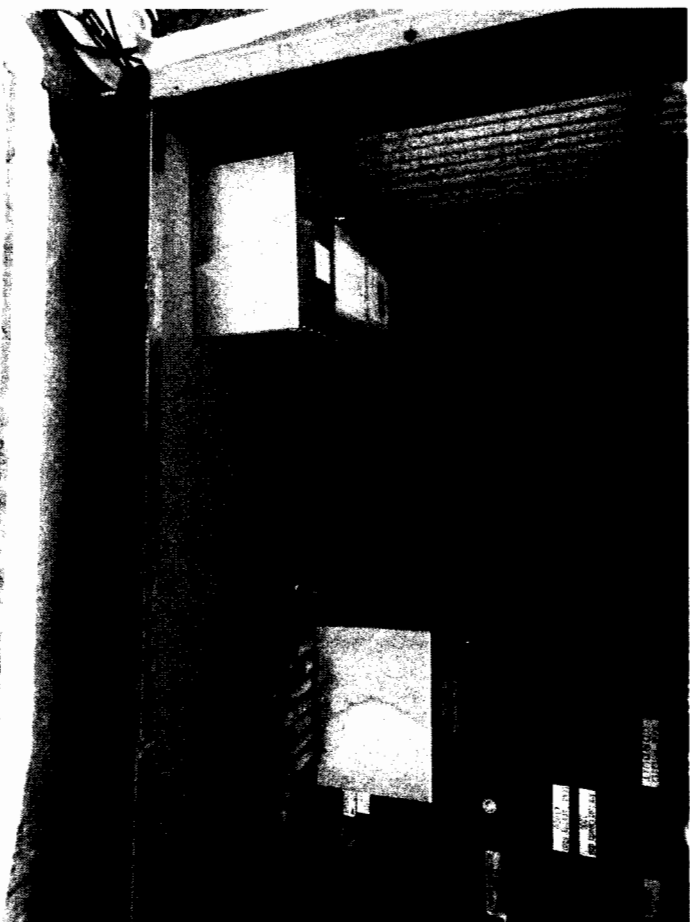


Photo (15)

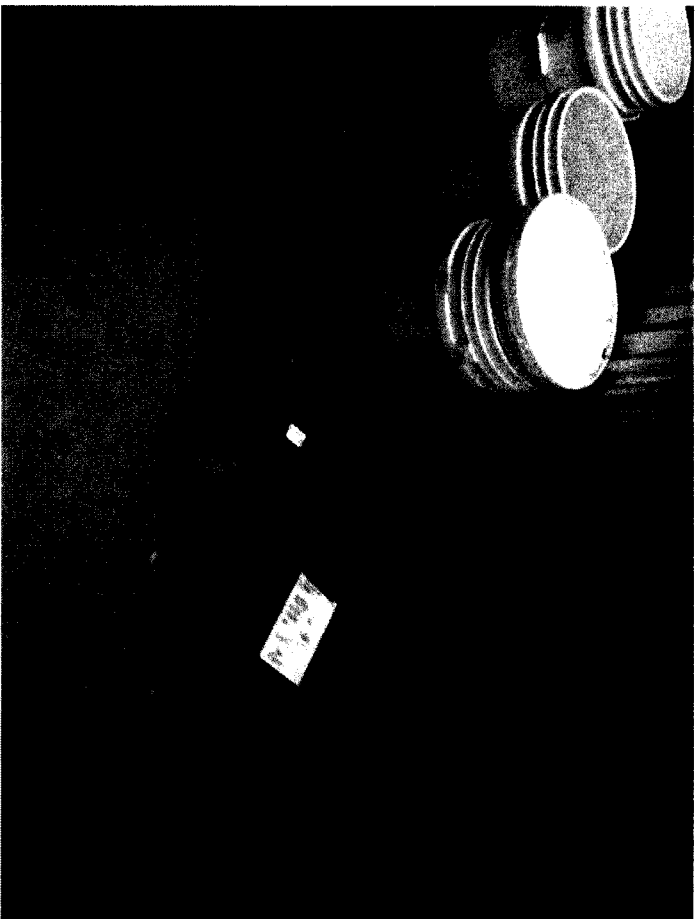


Photo (16)

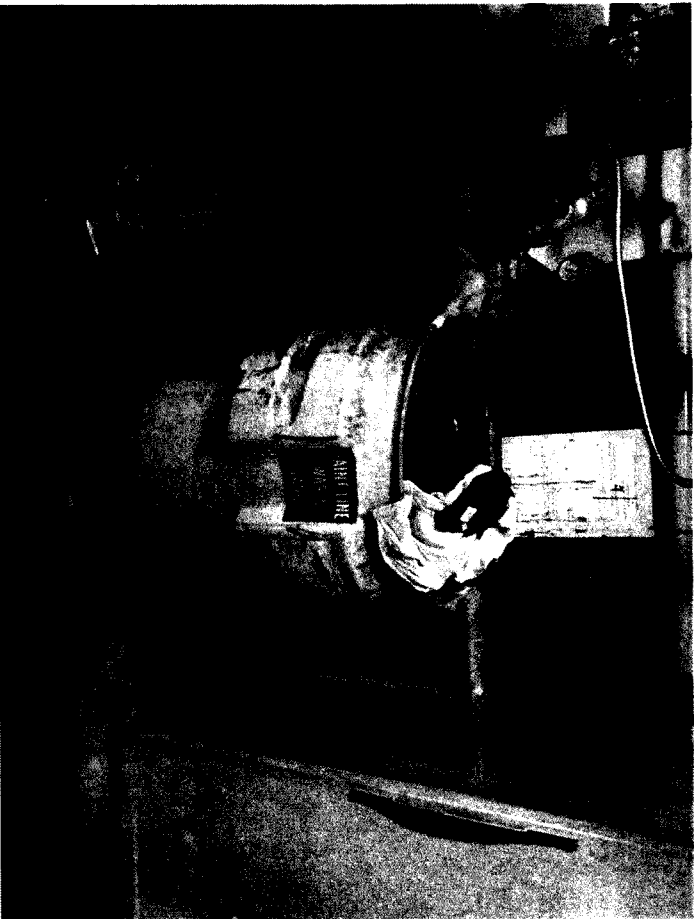


Photo (17)

**ATTACHMENT 2**  
**RCRA Certification**  
**Tank**

ALCOA  
**Chrome Waste Storage Tank**  
Lancaster, Pennsylvania - Project No. 991165-12  
Engineering Analysis  
August 25, 1999

**Introduction/Purpose Statement**

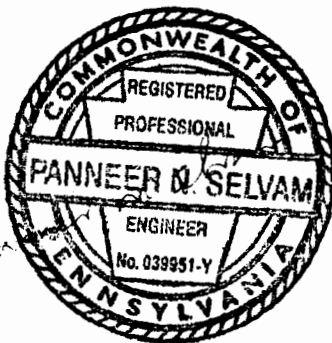
The purpose of this study is to review the existing chrome waste storage tank for the integrity compliance with Pennsylvania Code 25, Chapter 264, subchapter J. Tanks; Paragraph 264.191 Existing Tank Systems. The report contains the engineering review of tank manufacturer's design data and drawings, and ALCOA's inspection reports pertaining to the chrome waste storage tank design, installation and operation to substantiate the tank's integrity in accordance with Pennsylvania Code 25, Chapter 264, Subchapter J.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

This report, also, attests that the tank has been tested by the manufacturer and proven to have sufficient structural integrity and is acceptable for the storing of chrome waste.

The engineering analysis was prepared by RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, Pennsylvania 17603, phone: (717) 394-3721, fax: (717) 394-1063.

Certified by: Panneer N. Selvam, Ph.D., P.E.





**ROUTING AND TRANSMITTAL SLIP**

Date August 28, 2014

<b>TO:</b> (Name, office symbol, room number, building, Agency/Post)		<b>Initials</b>	<b>Date</b>		
1. C. Amend		CA	8/28		
2. Terri		Td	9-3-14		
3. Steve					
4.					
<input type="checkbox"/>	Action	<input type="checkbox"/>	File	<input type="checkbox"/>	Note and Return
<input type="checkbox"/>	Approval	<input type="checkbox"/>	For Clearance	<input type="checkbox"/>	Per Conversation
<input type="checkbox"/>	As Requested	<input type="checkbox"/>	For Correction	<input type="checkbox"/>	Prepare Reply
<input type="checkbox"/>	Circulate	<input type="checkbox"/>	For Your Information	<input type="checkbox"/>	See Me
<input type="checkbox"/>	Comment	<input type="checkbox"/>	Investigate	<input type="checkbox"/>	Signature
<input checked="" type="checkbox"/>	Coordination	<input type="checkbox"/>	Justify	<input type="checkbox"/>	SEE REMARKS
<b>REMARKS</b>  <p style="text-align: center;"><b>RCRA</b> <b>Subtitle C</b></p> <p style="text-align: center;">Alumax-Alcoa Mill Products, Inc. 1480 Manheim Pike Lancaster, PA 17601 <b>RCRA ID NO. PAD049029697</b></p> <p style="text-align: center;"><b>Inspection</b></p> <p style="text-align: center;"><b>DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions</b></p>					
<b>FROM:</b> (Name, org. Symbol, Agency/Post)  Stephen Forostiak 3LC70				<b>Room No. -- Bldg</b> <b>Cubicle #105/10th Floor</b>	
				<b>Phone No.</b> <b>(215) 814-2136</b>	